

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 97HD-572

Hawaii

**Amend Prior Board Action of February 28, 1986 (Agenda Item F-13)
Request for Direct Sale of Easement to Edward Lee for Access Purposes at
Kaimu, Puna, Hawaii, Tax Map Key:3rd/1-2-08:08**

BACKGROUND:

At its meeting of February 28, 1986, under agenda item F-13, the Land Board approved the direct sale of easement to Edward Lee for access purposes at Kaimu, Puna, Hawaii, Tax Map Key:3rd/1-2-08:08 (Maps attached as Exhibits A-1 and A-2). The purpose of this easement would be to provide access to his private property further identified as Tax Map Key:3rd/1-2-08:16.

At the time Mr. Lee submitted his easement request to our office all paperwork including the above referenced board action was only to Edward Lee as the sole applicant. However, our office recently received a copy of a Warranty Deed dated October 7, 1985 which reflects the private property owners of Tax Map Key:3rd/1-2-08:16 as Edward A.K. Lee and Lucia R. Lee, husband and wife.

The appraisal has been completed, fees have been paid and certified C.S.F. map and description prepared by the state survey office, therefore staff is requesting that due to the length of time it has taken to complete this request, we finalize the easement documents in a timely manner.

In addition, to avoid having to obtain Board approval each time the property is conveyed or title changes hands to a new owner, staff is also recommending that the easement run with the land to benefit the private property for which this easement will serve further identified as Tax Map Key:3rd/1-2-08:16.

RECOMMENDATION: That the Board:

1. Amend its prior board action of February 28, 1986, agenda item F-13 by changing all reference to the applicant under such action and authorize the sale of the subject easement to Edward A.K. Lee and Lucia R. Lee;

2. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key:3rd/1-2-08:16, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

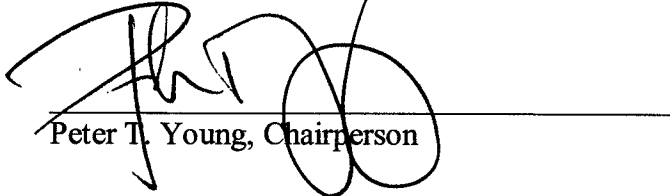
Respectfully submitted,



Gordon C. Heit
Land Agent

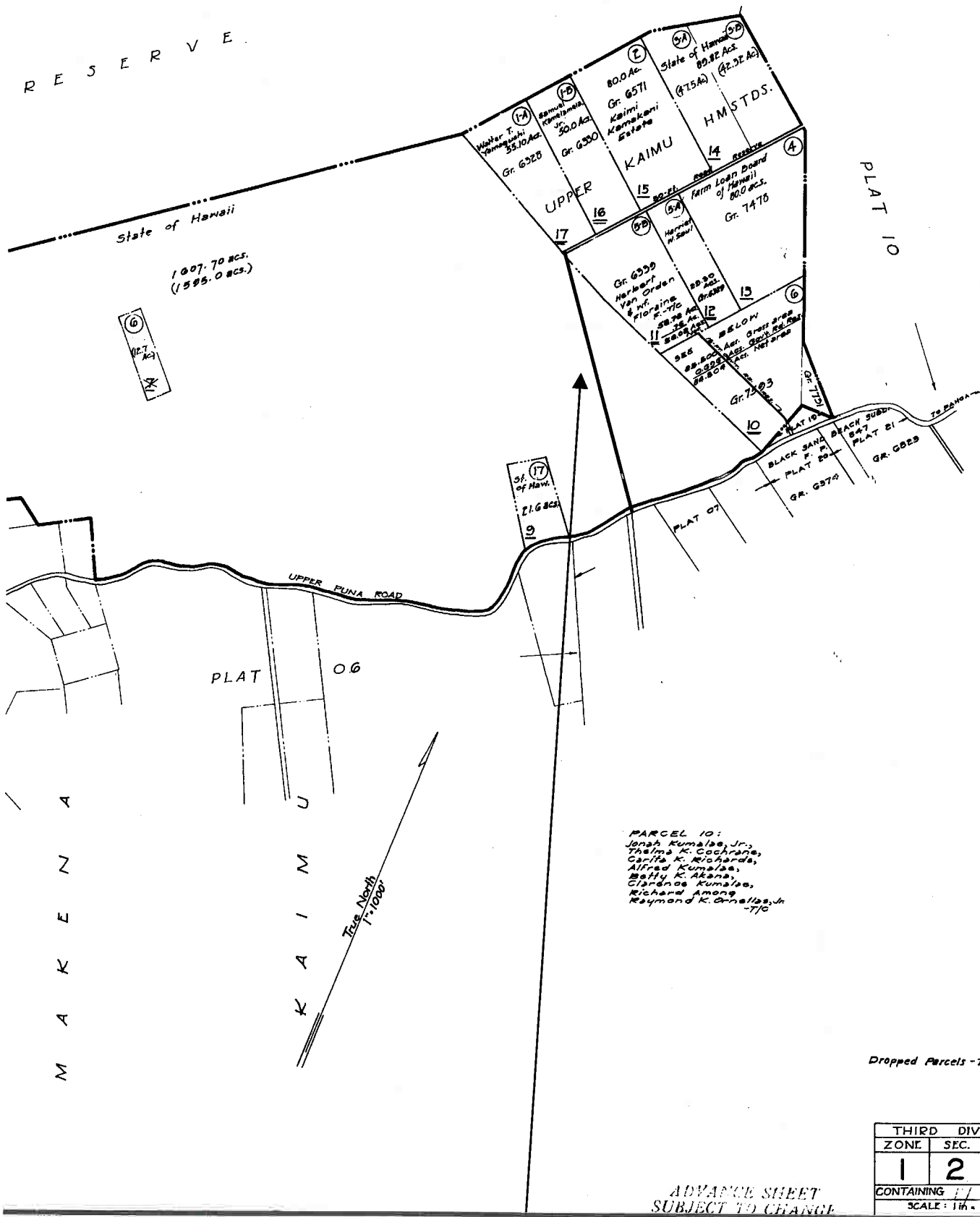


APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

TMK: 3RD/1-2-08:08



EASEMENT LOCATION

ADVANCE SHEET
SUBJECT TO CHANGE

EXHIBIT A2

